

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
RANDOLPH ANDERSON, ESQ., BAR
NO. 7584

No. 54396

FILED

APR 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings that attorney Randolph Anderson violated three rules of professional conduct and its recommendation that he be suspended from the practice of law for six months and one day, subject to conditions, with three months and one day of the suspension stayed. Having reviewed the evidence submitted and the transcript from the disciplinary hearing, we approve the panel's findings and recommendation.¹

Anderson refused to honor a workers' compensation insurance company's lien asserted against proceeds from a personal injury action he instituted on behalf of a client who was injured at work by a third party. He endorsed the settlement check on behalf of the insurance company without its authorization and did not pay the company's lien in full until after the insurance company filed a grievance with the state bar. In

¹Neither Anderson nor the state bar submitted a brief challenging the panel's findings and recommendation.

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Bar Number: 7584

addition, at the disciplinary hearing Anderson testified that he failed to keep proper records and that he commingled client trust funds with earned fees, keeping them together in his trust account. The panel found that Anderson violated RPC 1.3 (diligence), RPC 1.15 (safekeeping property), and RPC 8.4 (misconduct).

While the findings and recommendations of a disciplinary board hearing panel are persuasive, our automatic review of a panel decision recommending a suspension is conducted de novo, requiring the exercise of independent judgment by this court. SCR 105(3)(b); In re Stuhff, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). We conclude that clear and convincing evidence supports the panel's findings and that Anderson violated RPC 1.3 (diligence), RPC 1.15 (safekeeping property), and RPC 8.4 (misconduct). SCR 105(2)(e).

The panel further recommended that Anderson be suspended from the practice of law for a period of six months and one day, that three months and one day of the suspension be stayed such that Anderson may apply for reinstatement after three months, and that Anderson be subject to the following:

- As conditions prior to petitioning for reinstatement, Anderson shall:
 - complete ten hours of continuing legal education in the areas of law practice management, trust accounting, and ethics;
 - arrange for and designate an attorney who agrees to act as a mentor for Anderson during the probationary period following his reinstatement.

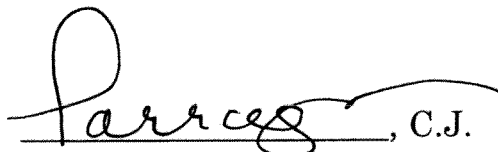
- As conditions following reinstatement, Anderson shall:
 - for a period of two years, enter into a mentoring agreement with the designated mentor and the state bar, during which time the mentor shall submit written quarterly reports to the office of bar counsel regarding Anderson's practice;
 - during the probationary period, be prohibited from handling client funds and other trust monies without supervision from the mentor or another attorney;
 - pay all costs of the disciplinary proceedings within thirty days of receipt of the state bar's bill of costs.

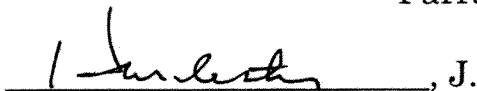
Taking into account all of the circumstances, including Anderson's prior disciplinary history, as well the evidence of mitigation, we conclude that the recommended discipline is appropriately tailored to the circumstances and we therefore approve it.

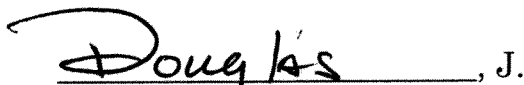
Accordingly, Anderson is hereby suspended from the practice of law for a period of six months and one day. Three months and one day of the suspension is stayed, such that Anderson may petition for reinstatement pursuant to SCR 116 after three months. Anderson must

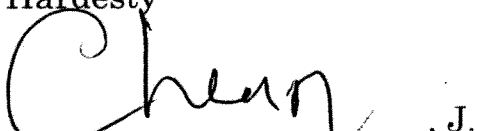
comply with all of the conditions stated above. In addition, Anderson and the state bar shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.²



Parraguirre, C.J.

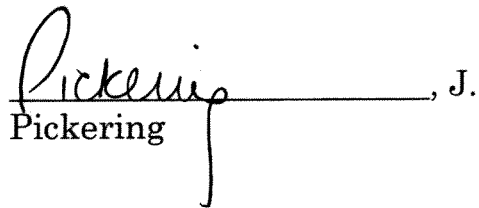

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

cc: Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Randolph I. Anderson III
Perry Thompson, Admissions Office, United States Supreme Court

²This suspension is separate from and in addition to Anderson's suspension ordered by the State Bar for nonpayment of dues. It is also separate from and in addition to his suspension by this court for failure to comply with the rules regarding continuing legal education. In re: Continuing Legal Education, Docket No. 54333 (Order Dismissing Petition as to Certain Respondent Attorneys and Granting Petition as to Certain Respondent Attorneys, October 21, 2009).